SINGLE BENCH

P.R. No. 5503/06
Presented by Shri A.N. Bla kt
dated 6.10.06

cf 1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION (S) NO. 5478 /2006

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

PETITIONER

Vijay Kumar Patel, aged about 44 years, son of Shri Ghansi Ram Patel, Upper Division Teacher, Government (Tribal) Girls Higher Secondary School - Kansabel, Distt. Jashpur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Commissioner, Department of Tribal Welfare, Raipur (C.G.)
3. Assistant Commissioner, Department of Tribal Welfare, District Jashpur Nagar (C.G.)
4. The Principal, Government (Tribal) Higher Secondary School – Kansabel, Distt. Jashpur (C.G.)

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(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P.(S) No. 5478 of 2006

Petitioner : Vijay Kumar Patel
Versus
Respondents : State of Chhattisgarh & others

And

W. P.(S) No. 5480 of 2006

Petitioner : Bheemsen Swarnkar
Versus
Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri A.N. Bhakta, Advocate for the Petitioners.
Shri V.V.S. Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER
(9th October, 2006)

1. Learned counsel appearing for the petitioners submit that while working as Assistant Teachers/Upper Division Teachers, the petitioners have gone on training to improve their qualifications on their own expenses and acquired B.Ed./B.T.I Examination Certificate.

2. The present writ petitions, being W.P.(S) Nos. 5478/2006 and 5480/2006 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of

this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination Certificate on his own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioners further submits that the facts and question of law involved in the present cases are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petitions are allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificates on their own expenses or not. No order as to costs.

6. A copy of this order be placed on record of one connected writ petition.

Sd/-
Satish K. Agnihotri
Judge

Subhash